

United States District Court
for the
District of New Mexico



United States of America
v.

Dominic T THOMAS

Defendant(s)

Case No. MJ 21-1365 BPB


CRIMINAL COMPLAINT

May be handwritten

I, the sworn complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of 09/11/2021 in the county of Bernalillo in the District of New Mexico, the defendant(s) violated:

<u>Code Section (Counts)</u>	<u>Offense Description</u>
18 USC 13	Assimilative Crimes Act
NMSA 30-15-1	Criminal Damage to property
36 CFR 1.5 (f)	Superintendent's closure violation
36 CFR 2.13 (a) (3)	Lighting fire in a manner that threatens, causes damage to, or results in the burning of property, real property or park resources, or creates a public safety hazard.

This criminal complaint is based on facts provided on the attached sheet.


Complainant's signature

Timothy Crafton, US Park Ranger
Printed name and title

Approved by AUSA _____
Printed name

Sworn before me telephonically and presented electronically via email
Sworn to before me and signed in my presence.

Date: September 12, 2021


Judge's signature

City: Farmington, New Mexico

B. Paul Briones, U.S. Magistrate Judge
Printed name and title

CRIMINAL COMPLAINT FACTUAL BASIS

for

Dominic T THOMAS

Defendant(s)

1. I am Timothy Crafton and I have been a commissioned law enforcement officer with the National Park Service since May of 2015. I have been a law enforcement officer at Petroglyph National Monument since August 2017. I am a graduate of the Land Management Police Training Program at the Federal Law Enforcement Training Center at Glynco, Georgia. Prior to joining the National Park Service Law Enforcement Division, I was a General Park Ranger with the Bureau of Land Management Rio Puerco Field Office for seven years. I have a Bachelor's Degree from Eastern New Mexico University and an Associate's Degree from New Mexico Military Institute. I have investigated two cases involving property damage as a result of fire.
2. The information in this affidavit is based on my personal knowledge, information provided to me by other commissioned officers and witnesses and by statements made by the defendant. The information in this affidavit is provided for the limited purpose of establishing probable cause. The information is not a complete statement of all the facts of this case.
3. On September 11, 2021, at approximately 1044 hours, I received a visitor report of a subject starting fires at the Volcanoes Day Use Area. Volcanoes Day Use area is located within Petroglyph National Monument and is Concurrent Jurisdiction. When I arrived on scene, I meet with Bureau of Land Management Law Enforcement Ranger Lisa Schutzberger. Schutzberger advised multiple witnesses observed a dark skinned subject wearing shorts and a backpack squat down and observed smoke where the subject squatted down. The witnesses observed the subject squat down multiple times. The witnesses observed the subject walk/run from the smoke and flames to the furthest South Volcano (JA Volcano). The witnesses observed the subject climb to the top of JA Volcano. Using binoculars, I observed the subject sitting on the highest point of JA Volcano looking toward the smoke, flames and fire crews working the fire. JA Volcano is an area within Petroglyph National Monument closed to the public.
4. The subject began walking around the top of JA Volcano. I re-positioned my patrol vehicle to the Northeast corner of JA Volcano to get a better visual of the subject. From my position I was unable to see the subject but I heard loud screams coming from the top of JA Volcano. The subject came into view. The subject was a black male wearing a black and gray shirt, shorts and a black backpack. I observed the subject crawl into a small cave on top of JA Volcano. I called for U.S. Park Ranger Matthew Wineland and Schutzberger to move to my location so I could begin making announcements for the subject to come down.
5. I began making PA announcements stating I was the police and he needed to come down to my patrol vehicle with his hands free and clear. The subject began walking down to my patrol vehicle. The subject stopped at a rocky out cropping and began stacking rocks. From about 30 yards away, Wineland told the subject to continue coming down to our patrol vehicle with his hands free and clear. The subject put his middle finger up in the direction of Wineland. The subject continued walking slowly to Wineland's patrol vehicle. From about 10 yards away I told the subject to stop, turn around and put his hands behind his back. The subject followed my commands and was placed in handcuffs.
6. I escorted the subject to a shade structure about 30 yards away from the initial contact. I identified the subject as Dominic THOMAS. Wineland read THOMAS his Miranda Warning. THOMAS stated he

understood his rights and he was willing to talk to law enforcement. After receiving Miranda, THOMAS made the following statements.

- I may have started 3 fires.
 - I dropped a yellow lighter that didn't work anymore
 - I squatted down 9-10 times and started fires because I was mad and bored.
 - I dropped a black colorful BIC lighter
7. I walked the perimeter of the fire with two Albuquerque Fire Rescue Arson Investigators. The Arson investigator used cell phone GPS to map the fire. The Arson Investigator estimated the fire within NPS boundaries to be .22 acres. The fire burned 23 NPS fence posts. Where the fire burned the NPS fence, there were 2 NPS boundary signs clearly identifying NPS property.
8. I walked the area where THOMAS was observed stacking rocks. I located a black colorful BIC lighter.
9. Based on the facts listed, I arrested Dominic THOMAS on the listed charges.
- 18 USC 13, NMSA 30-15-1, Criminal Damage to Property
 - 36 CFR 1.5 (f), Superintendent's Closure Violation
 - 36 CFR 2.13 (a) (3), Lighting fire in a manner that threatens, causes damage to, or results in the burning of property, real property or park resources, or creates a public safety hazard.

Sworn to before me and signed in my presence.

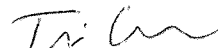


Judge's signature

B. Paul Briones, U.S. Magistrate Judge

Printed name and title

I swear/affirm upon penalty of perjury that the above information is true and correct to the best of my knowledge (initial previous pages).



Complainant's signature

Timothy Crafton, U.S. Park Ranger

Printed name and title